

AGENDA - Monday, September 19, 2016

6:30 p.m. City Council Workshop
7:00 p.m. City Council Meeting
Long Beach City Hall
115 Bolstad Avenue West

6:30 p.m. COUNCIL WORKSHOP

WS 16-19 Marijuana Legislation – TAB A WS 16-20 Non-Conforming Signs – TAB B

7:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order Mayor Phillips, Council Member Linhart, Council Member Caldwell,

And roll call Council Member Murry, Council Member Hanson and Council Member Kemmer.

PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. Please limit your comments to three minutes. The City Council does not take any action or make any decisions during public comment. To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

CONSENT AGENDA - TAB C

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, September 6, 2016 City Council Meeting
- Payment Approval List for Warrant Registers 56552-56593 & 80429-80492 for \$191,100,80

BUSINESS

AB 16-47 Final Plat Approval for Phase 2 of Discovery Point – TAB D

DEPARTMENT HEAD ORAL REPORTS

CORRESPONDENCE AND WRITTEN REPORTS – TAB E

- Long Beach Police Department August 2016 Report
- Correspondence Department of Ecology Outstanding Performance
- Long Beach Peninsula Visitors Bureau marketing report August 2016

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.

October 3, 2016, October 17, 2016, November 7, 2016

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Administrator at the meeting.

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TAB-A



CITY COUNCIL WORKSHOP BILL

WS 16-19

Meeting Date: September 19, 2016

SUBJECT: Marijuana		Originator:
-	Mayor	
legislation	City Council	
	City Administrator	
	City Attorney	
	City Clerk	14
	City Engineer	
	Community Development Director	AS
	Events Coordinator	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N/A	Water/Wastewater Supervisor	

SUMMARY STATEMENT: The state has updated some regulations in regards to mandatory buffers. This is a chance for the Council to revisit the current ordinance and make changes if they see fit. Council has requested some financial information be provided, which is included in the packet.

State of Washington

Date: 09/30/2015 Time: 8:50 am

2075

2120

2160

0006

2260

2270

2290

2350

2370

2400

2490

Shoreline South Bend

Spokane

Sunnyside

Tumwater

Union Gap

Vancouver

Wenatchee

Tacoma

Tenino

Spokane Valley

Marijuana Enforcement 09/30/2015

Office of the State Treasurer Treasury Management System ReportID: DistDetail721 Page 1 of 2

Local Entity Code Calculated Distribution **Local Entity Name** Population Witholding **Net Amount Paid** 7,970 0020 3,153.51 3,153.51 Airway Heights 2,091.43 16,190 2,091.43 0060 Anacortes 13,689.04 0070 Arlington 18,360 13,689.04 0090 Auburn 74,630 4,880.97 4,880.97 182.18 182.18 2580 Bainbridge Island 23,360 Battle Ground 18,685 8,896.39 8,896.39 0100 Bellevue 134,400 25,578.72 25,578.72 0120 Bellingham 82,810 25,571.63 25,571.63 0130 0150 Bingen 730 4,216.81 4,216.81 0170 Blaine 4,865 1,168.12 1,168.12 Bothell 41,642 21,680.25 21,680.25 0190 39,392 2.30 0200 Bremerton 2.30 Buckley 4,430 25,180.21 25,180.21 0230 1,740.90 1,740.90 Chehalis 7,370 0330 7,225 261.84 Clarkston 261.84 0370 4,701 3,327.68 3,327.68 0430 Colville 0495 Covington 18,480 1,141.49 1,141.49 30,030 13,984.04 13,984.04 0570 Des Moines 0610 East Wenatchee 13,370 5,056.35 5,056.35 0625 Edgewood 9,525 4.16 4.16 4,590.81 18,458 4,590.81 0660 Ellensburg 7,930 1,823.58 1,823.58 0720 **Ephrata** 104,503 17,080.58 17,080.58 0730 Everett 3,420 296.57 0860 Goldendale 296.57 0900 Granite Falls 3,390 1,737.84 1,737.84 8,625 862.07 862.07 0960 Hoquiam 32,880 5,166.05 5,166.05 1020 Issaquah 1090 Kirkland 82,590 4,792.48 4,792.48 1145 Lacey 45,320 4,362.85 4,362.85 1160 Lake Stevens 29,170 4,104.50 4,104.50 37,040 15,310.25 15,310.25 1230 Longview 20,956.91 1410 Millwood 1,785 20,956.91 2,604.50 1460 Moses Lake 21,600 2,604.50 9,085.88 Mount Vernon 33,170 9,085.88 1490 1,005 1,174.39 1590 North Bonneville 1,174.39 1620 Oak Harbor 21,940 3,958.23 3,958.23 Ocean Shores 5,880 2,412.74 2,412.74 1635 1660 Olympia 50,272 13,368.93 13,368.93 4,840 2,063.34 2,063.34 1670 Omak 4,677.60 19,090 4,677.60 1770 Port Angeles 13,150 16,302.98 16,302.98 Port Orchard 1780 9,487.35 9,487.35 Prosser 5,815 1820 6,739.38 6,739.38 31,420 1830 Pullman 2,928.74 2,928.74 1900 Renton 97,199 95,829.04 95,829.04 Seattle 640,500 2030 10,610 3,531.92 3,531.92 2040 Sedro Woolley 2070 Shelton 9,995 1,221.61 1,221.61

53,990

212,300

92,050

16,230

1,725

18,800

6,140

167,400

33,078

200,900

1,630

6,583.00

1,162.60

30,752.90

18,956.23

111,970.96

3.46

309.69

1,625.18

23,430.56

197,629.06

4,649.79

6,583.00

1,162.60

30,752.90

18,956.23

111,970.96

3.46

309.69

1,625.18

23,430.56

197,629.06

4,649.79



State of Washington Date: 09/30/2015

Time: 8:50 am

Marijuana Enforcement 09/30/2015

Office of the State Treasurer Treasury Management System ReportID: DistDetail721 Page 2 of 2

Local Entity Code	Local Entity Name	Population	Calculated Distribution	Witholding	Net Amount Paid
2630	Yakima	93,080	21.57		21.57
	Entity Total	2,797,085	815,374.14	0.00	815,374.14
8020	Asotin County	13,515	392.76		392.76
8030	Benton County	34,130	14,231.03		14,231.03
8040	Chelan County	31,580	6,974.69		6,974.69
8050	Clallam County	43,030	7,016.41		7,016.41
8080	Cowlitz County	44,765	22,965.38		22,965.38
8090	Douglas County	21,610	7,584.53		7,584.53
8130	Grant County	41,840	6,642.11		6,642.11
8140	Grays Harbor County	28,475	4,912.21		4,912.21
8150	Island County	55,600	5,937.34		5,937.34
8160	Jefferson County	21,500	12,783.75		12,783.75
8170	King County	253,280	241,326.78		241,326.78
8180	Kitsap County	171,940	24,731.17		24,731.17
8190	Kittitas County	19,120	6,886.21		6,886.21
8200	Klickitat County	14,420	6,770.06		6,770.06
8230	Mason County	52,130	1,832.41		1,832.41
8240	Okanogan County	25,320	3,095.01		3,095.01
8250	Pacific County	14,320	1,743.90		1,743.90
8280	San Juan County	13,965	2,096.85		2,096.85
8290	Skagit County	49,220	22,063.83		22,063.83
8300	Skamania County	8,895	1,761.58		1,761.58
8310	Snohomish County	330,260	87,438.32		87,438.32
8320	Spokane County	140,717	110,729.32		110,729.32
8330	Stevens County	34,300	4,991.52		4,991.52
8340	Thurston County	138,930	29,499.97		29,499.97
8370	Whatcom County	89,788	40,109.65		40,109.65
8380	Whitman County	6,084	10,109.07		10,109.07
	County Total	1,698,734	684,625.86	0.00	684,625.86
	Grand Total	4,495,819	1,500,000.00	0.00	1,500,000.00

Legend

Counties increased by 75%	
Counties increased 100%	
Ban or Moratorium	

Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium			
	Adams County							
At Large	2	0	1	3				
				······································				
	-	Asotin C	ounty		,			
At Large	2	2	1	3				
	<u>, </u>		County	,				
At Large	2	2	0	2	Moratorium			
Kennewick	4	1	0	4	Ban			
Richland	3	0	0	3	Ban			
West Richland	1	1	0	1	Ban			
		······································	·	·				
	1	Chelan (· · · · · · · · · · · · · · · · · · ·	-				
At Large	3	3	0	3	Moratorium			
Wenatchee	3	2	2	5				
	T	Clallam (
At Large	3	3	2	5				
Port Angeles	2	2	1	3				
Sequim	1	1	1	2				
Clark County								
At Large	6	5	0	6	Ban			
Battle Ground	1	1	1	2				
Camas	1	1	0	1	Ban			
Vancouver	6	6	6	12				
Washougal	1	1	0	1	Ban			

Columbia County						
At Large	1	0	0	1	Ban	

Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium		
		Cowlitz (
At Large	3	3	3	6			
Kelso	1	0	1	2			
Longview	3	3	3	6			
		Douglas	Countv				
At Large	2	3	0	2	Moratorium		
East Wenatchee	1	1	1	2			
		Ferry C	ounty				
At Large	1	1	1	2			
-							
		Franklin	County				
At Large	1	0	0	1	Ban		
Pasco	4	3	0	4	Ban		
		Garfield					
At Large	1	0	0	1	Ban		
		O					
\	3	Grant C		5			
At Large	1	2 1	2	2			
Ephrata Moses Lake	2	2	1	3			
Quincy	1	0	0	1	Ban		
Quilicy		U U	<u> </u>	1	Dan		
Grays Harbor County							
At Large	3	3	2	5			
Aberdeen	1	2	1	2			
Hoquiam	1	1	1	2			
Ocean Shores	1	1	1	2			
		Island C					
At Large	3	3	2	5			
Oak Harbor	1	1	1	2			

		Jefferson	County	-	***************************************				
At Large	3	3	2	. 5					
Port Townsend	1	1	1	2					
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium				
At Lorgo	11	King Co	11	22					
At Large	2	2	2	4	Don				
Auburn (part)	4	4		8	Ban				
Bellevue	 		4	2					
Burien	1	0	1	2					
Des Moines	1	1	1	3	Monotonium				
Federal Way	3	4	0		Moratorium				
Issaquah	1	1	1	2	D				
Kent	3	3	0	3	Ban				
Kirkland	2	2	2	4					
Maple Valley	1	0	1	2					
Mercer Island	1	0	1	. 2					
Redmond	2	2	2	4					
Renton	3	3	3	6	D				
Sammamish	1	0	0		Ban				
SeaTac	1	1	0	1	Ban				
Seattle	, 21	27	21	42					
Shoreline	2	0	2	2					
Tukwila		U	1						
		Kitsap C	County						
At Large	7	7	7	14					
Bainbridge		•							
Island	1	1	1	2					
Bremerton	2	3	2	4					
Kittitas County									
At Large	2	2	1	3					
	2	2	1	3					
Lifetisbuig	Ellensburg 2 2 1 3								
		Klickitat (County						
At Large	3	2	2	5					
Goldendale	1	1	0	1	Ban				

		Lewis C	county		
At Large	4	3	3	7	
Centralia	2	2	1	3	
Chehalis	1	1	1	2	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
		Lincoln (County	1	r
At Large	2	0	1	3	
		Mason (County		
At Large	4	4	3	7	
Shelton	1	1	1	2	
	****				_
		Okanogar			
At Large	4	3	3	7	
Omak	1	1	0	1	Ban
		Pacific C	County		
At Large	2	2	1	3	
		Pend Oreill	e County		
At Large	2	1	1	3	
	22	Pierce C	County		
At Large	17	17	0	17	Ban
Bonney Lake	1	1	0	1	Ban
Lakewood	2	2	0	2	Ban
Puyallup	2	2	0	2	Ban
Tacoma	8	9	8	16	
University Place	1	0	0	1	Ban
. 1000	1		U	<u> </u>	
7		San Juan	County		
At Large	0	0	0	0	
San Juan Island	1	1	1	2	
Lopez Island	1	1	1	2	
Orcas Island	1	1	1	2	
Orcas Islanu	1		L		

16 1 1 2 5	Skagit 0 4 1 1 3 1 Current or pending license Skamania 2 Snohomish 16 1 1 5	Proposed Additional Allotment County 1 County 16 1 1 2	2 2 6 2 Total Proposed Allotment	Ban or Moratorium			
1 3 1 otments 2 16 1 1 2 5	1 3 1 Current or pending license Skamania 2 Snohomish 16 1 1	Proposed Additional Allotment County 1 County 16 1 1 2	2 6 2 Total Proposed Allotment 3 32 2 2	1			
3 1 otments 2 16 1 1 2 5	3 1 Current or pending license Skamania 2 Snohomish 16 1 1	Proposed Additional Allotment County 1 County 16 1 1 2	Total Proposed Allotment 3 32 2 2	1			
1 0 1 1 1 1 2 5 5	Current or pending license Skamania 2 Snohomish 16 1 1	Proposed Additional Allotment County 1 County 16 1 1 2	Total Proposed Allotment 3 32 2 2	1			
16 1 1 2 5	Current or pending license Skamania 2 Snohomish 16 1 1	Proposed Additional Allotment County 1 County 16 1 1 2	Total Proposed Allotment 3 32 2 2	1			
16 1 1 2 5	or pending license Skamania 2 Snohomish 16 1 1	Additional Allotment County 1 County 16 1 1 2	Total Proposed Allotment 3 32 2 2	1			
16 1 1 2 5	Snohomish	1 County 16 1 1 2	32 2 2				
16 1 1 2 5	Snohomish 16 1 1	16 1 1 1 2	32 2 2				
16 1 1 2 5	16 1 1 1	16 1 1 2	2 2				
16 1 1 2 5	16 1 1 1	16 1 1 2	2 2				
1 1 2 5	1 1 1	1 1 2	2 2				
1 2 5	1	1 2	2				
2 5	1	2					
5			1	E .			
	5		4				
1		5	10				
	1	1	2				
2	2	2	4				
3	3	0	3	Ban			
1	1	0	1	Ban			
1	0	1	2				
	4						
							
1]	0	1	2				
	Snokana	County					
7			1/				
3	3	0	3	Moratorium			
Stevens County							
4	3	3	7				
			4	! 			
			4				
1	1	1	2				
	3 1 1 1 1 7 8 3	2 2 3 3 1 1 1 0 1 0 1 1 1 0 Spokane 7 7 8 8 8 3 3 Stevens 0 4 3 Thurston 6 6 2 2 2 2	2 2 2 2 3 3 3 0 1 1 1 0 1 1 0 1 1 1 1 1 1 1 1 1	2 2 2 4 3 3 0 3 1 1 0 1 1 1 1 2 1 1 1 2 1 0 1 2 2 7 7 7 14 8 8 8 16 3 3 0 3 Stevens County 4 3 3 7 Thurston County 6 6 6 12 2 2 2 4 2 2 2 4			

	Wahkiakum County							
At Large	1	0	1	2				
		Walla Wall	a County					
At Large	2	2	0	2	Ban			
Walla Walla	2	2	1	3				
		Current or pending	Proposed Additional	Total Proposed	Ban or			
Jurisdiction	Allotments	license	Allotment	Allotment	Moratorium			
	***************************************	Whatcom	County	V				
At Large	7	6	7	14				
Bellingham	6	6	6	12				
Ferndale	1	1	1	2				
Lynden	1	0	0	1	Ban			
		Whitman	County	y				
At Large	1	0	1	2				
Pullman	3	3	2	5				
	Yakima County							
At Large	6	5	0	6	Ban			
Grandview	1	0	0	1	Ban			
Selah	1	0	0	1	Ban			
Sunnyside	1	1	0	1	Ban			
Yakima	5	5	0	5	Moratorium			
Total	334	305	222	556	35			

Jurisdictions with allotments remaining	Jurisdictions where all allotments are in process	Jurisdictions where LCB is processing over the allotted amount	Jurisdiction that are full and no allotments remain
Battle Ground, City of	Adams County at large	Benton County at large	Aberdeen, City of
Camas, City of	Bainbridge Island, City of	East Wenatchee, City of	Anacortes, City of
Columbia County at large	Bellevue, City of	Edmonds, City of	Arlington, City of
Cowlitz County at large	Burlington, City of	Grant County at large	Asotin County at large
Everett, City of	Ephrata, City of	Lakewood, City of	Auburn, City of (King County)
Ferry County at large	Ferndale, City of	Longview, City of	Bellingham, City of
Franklin County at large	Island County at large	Mukilteo, City of	Bonney Lake, City of
Garfield County at large	Lake Stevens, City of	Wenatchee, City of	Bothell, City of (Snohomish County)
Grandview, City of	Mount Vernon, City of	Whatcom, County at large	Bremerton, City of
Hoquiam, City of	Orcas Island	Whitman, County at large	Burien, City of
Kelso, City of			Centralia, City of
Kent, City of			Chehalis, City of
Kennewick, City of		'4	Chelan County at large
Klickitat County at large			Clallam County at large
Lewis County at large			Clark County at large
Lincoln County at large			Des Moines, City of
Lopez Island			Douglas County at large
Lynden, City of			Ellensburg, City of
Lynnwood, City of			Federal Way, City of
Mercer Island, City of			Goldendale, City of
Monroe, City of		,	Grays Harbor County at large
Ocean Shores, City of			Issaquah, City of
Okanogan County at large			Jefferson County at large
Omak, City of	,		King, County of
Pasco, City of			Kirkland, City of
Pend Oreille County at large			Kitsap, County at large
Port Angeles, City of	1		Kittitas, County at large
Pullman, City of			Lacey, City of
Quincy, City of			Maple Valley, City of
Richland, City of			Marysville, City of

.

Sammamish, City of	4	Mason County at large
Selah, City of		Mill Creek, City of
Skamania, County at		Moses Lake, City of
arge		
Stevens, County at large	:	Mountlake Terrace,
		City of
Wahkiakum, County at large	,	Oak Harbor, City of
Walla Walla, County at		Olympia, City of
arge		Signal of the second of the se
4180		Pacific County at large
		Pierce County at large
		Port Townsend, City of
		Puyallup, City of
		Redmond, City of
		Renton, City of
	-	San Juan Island
W		
		SeaTac, City of
		Seattle, City of
		Sedro-Woolley, City of
		Sequim, City of
		Shelton, City of
		Shoreline, City of
		Skagit, County at large
		Snohomish County at
10.25		large
		Spokane Valley, City of
		Spokane, City of
		Spokane, County at
*		large
		Sunnyside, City of
		Tacoma, City of
		Thurston, County at
	•	large
		Tukwila, City of
		Tumwater, City of
		University Place, City
		of
		Vancouver, City of
		Walla Walla, City of
		Washougal, City of
		West Richland, City of
		Yakima, City of
		Yakima, County at
		large
36	10	10 66

Gayle Borchard

From: Sent: Darcey Eilers <darcey@pfrwa.com> Monday, June 13, 2016 11:11 AM

To:

Gayle Borchard

Subject:

Marijuana

Good morning, Gayle,

The general statutory buffer requirements prohibit siting marijuana businesses (retailers/producers/processors) within 1,000 feet of recreational centers, child care centers, public parks, public transit centers, libraries, and game arcades admitting minors, but local governments may reduce this restriction from 1,000 feet to not less than 100 feet. Required 1,000 buffers for elementary or secondary schools and playgrounds may not be reduced at the local level.

Below is a list of uses that currently require a 1000-foot buffer under LBMC 12-17A-3. The bolded ones cannot be reduced at all. The underlined ones cannot be reduced below 100 feet. All other ones are not required by state statute and so could be removed entirely.

- 1. Preschool, elementary, or secondary school.
- 2. Playground.
- 3. Recreation center or facility.
- 4. Childcare center.
- 5. Public park.
- 6. Public transit center.
- 7. Library.
- 8. Game arcade.
- 9. Amusement.
- 10. Church.
- 11. Child daycare facility.
- 12. Residential treatment facilities.
- 13. Youth oriented facilities.
- 14. Juvenile group home

One point, the child daycare facility seems to be repetitive of childcare center (under WAC 314-55-010(4), child care center means "an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC."). Also, I think that "Amusement" could use a definition, and I'm not sure what was intended with "youth oriented facilities" that is not encompassed by the other categories (school, daycare, arcade, recreation center, etc.).

Those are my thoughts for now. Let me know if you think we should propose to the Council to reduce some of these buffers. It might be good to see a map with the current buffers; I think you said you had one of those.

Best, Darcey

Darces J. Ellers, Attorney at Law

Battle

Chapter 17 Marijuana Related Land Use

12-17-1: AUTHORITY AND PURPOSE

Pursuant to article XI, section 11 of the Washington state constitution, chapter 69.50 RCW, chapter 69.51A RCW, and chapter 314-55 WAC, the city of Long Beach asserts its constitutional, statutory, and common law authority to make and impose land use regulations and to enforce within its limits such police, sanitary, and other regulations as are not unreasonable or in conflict with general laws.

The purpose and intent of this chapter is to regulate the siting and operation of any structure, activity, or land use related to the production, processing, or retailing of recreational and medical marijuana in order to protect and maintain the public health, safety, and welfare of the city's citizens, to address local issues and preferences, and to mitigate potential adverse impacts. The city intends this chapter to establish a strong and effective regulatory framework including robust controls and procedures on paper and in practice.

12-17-2: DEFINITIONS

For purposes of this chapter, the definitions contained in chapter 69.50 RCW, chapter 69.51 RCW, and chapter 314-55 WAC apply, unless otherwise stated or defined herein or unless the context clearly requires otherwise. The following additional definitions also apply:

- A. INDOORS: Any location that is in a fully enclosed and secure structure that complies with the Washington state building code, as adopted by the city of Long Beach; that has a complete roof enclosure supported by connecting walls extending from the ground to the roof; and that has a foundation, slab, or equivalent base to which the floor is securely attached.
- B. SENSITIVE LAND USES: A land use to be protected by distance and/or other means from the potential and actual impacts of a marijuana-related uses. For purposes of this chapter, the following are considered sensitive land uses: elementary school; secondary school; playground; child care center; library; public park; public transit center; church; game arcade; amusement; recreation center or facility; residential treatment facility; or juvenile group home. Those sensitive land uses are defined in WAC 314-55-010 or as follows:
 - 1. Amusement: An entertainment venue catering to families and/or to children. Examples include, and are not limited to, movie theaters, miniature golf courses, horse ride rentals, go-cart tracks, and skateboard parks.
 - 2. Child care center: Supplementing the definition in WAC 213-55-010(4), child care center also includes a nursery school or preschool, meaning a school for children who are not old enough to attend kindergarten. The term child care center is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocated childcare by a group of parents in their respective homes.

have unrestricted access; buses and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly-owned beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access and which are generally used by the public.

12-17-3: NO CITY LIABILITY; INDEMNIFICATION

Any person or entity conducting a marijuana use in the city of Long Beach agrees to the following:

- A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected officials, employees, volunteers, and agents from any liability of any kind that results from any arrest or prosecution of business owners, operators, employees, clients, or customers for a violation of federal, state, or local laws and regulations.
- B. By accepting a permit issued pursuant to this chapter, the licensee agrees to indemnify, defend, and hold harmless the city, its officers, elected officials, employees, volunteers, agents, insurers, and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in a manner that is subject of the license.

12-17-4: LIMITATIONS

The following limitations apply:

- A. Nothing in this chapter is intended to be, nor should be considered to be, an allowance for more activity pertaining to the production, processing, researching, and selling of marijuana than is permitted by state law and by rules and regulations of the WSLCB.
- B. Nothing in this chapter is intended to be or should be considered to be a limitation on the city from objecting to a license or renewal of a license by the WSLCB.

12-17-5: LICENSING

- A. To establish or operate a marijuana business in the city of Long Beach, a person or entity must obtain and maintain both a city-issued business license and a city-issued marijuana operation license. To establish or operate a cooperative in the city of Long Beach, a person must obtain and maintain a city-issued marijuana operation license.
- B. Only valid state-licensed marijuana businesses and cooperatives properly registered with the WSLCB may apply for and be eligible to receive the necessary city-issued licenses described herein. The application for each state license must have first been reviewed by the city of Long Beach before being granted by the WSLCB.
- C. Any marijuana-related operation, business, or facility that does not have a valid state license pursuant to chapter 69.50 RCW or that has not properly registered pursuant to chapter

- H. Annual Inspections Required: Every year, the site shall be inspected by city personnel for structural suitability, fire safety, and security. The cost of these inspections shall be paid for via the annual marijuana operation licensing fee.
- I. To obtain a license, insurance requirements set forth in WAC 314-55-082 shall be met. In addition, the city and its employees, agents, and volunteers must be named as an additional insured on all general liability, umbrella, and excess insurance policies to the same extent as the state of Washington. The licensee's insurance policies shall be primary to any insurance that the city may possess and the licensee's insurance policies shall state this requirement.
- J. If an insurance or license deficiency exists, the city may suspend or rescind city-issued permits.

12-17-6: LOCATION:

A validly licensed marijuana use may be sited in the city of Long Beach subject to the following:

A. A state-licensed marijuana producer, processor, or researcher may be located as a conditional use in the L1 (light industrial) and C2 (commercial retail warehouse) zoning districts but is prohibited in all other zoning districts.

The property on which the producer, processor, or research facility is located shall be a minimum of two hundred feet (200') from the nearest property on which a residential land use is located.

- B. A state-licensed marijuana retailer may be located as a conditional use in the C1 (commercial) and RC (residential commercial) zoning districts but is prohibited in all other zoning districts. A proposed retail business shall not be located on or immediately adjacent to (sharing a property line with or directly across the street from) a parcel on which a residential land use is located.
- C. A state-registered cooperative may be located as a conditional use in the R1 (single-family residential), R1R (single-family residential restricted), S1 (shoreline single-family residential), RC (residential commercial), C1 (commercial), C2 (commercial retail warehouse), and L1 (light industrial) zoning districts but is prohibited in all other zoning districts.

D. Additional Buffer Zones:

- 1. No marijuana use shall be established on a parcel located within one thousand feet (1,000') of a parcel on which any existing state-licensed marijuana retailer is located.
- 2. No state-licensed marijuana producer, processor, retailer, or researcher shall be established within one thousand feet (1,000') of a parcel on which any of the following uses is located: elementary school; secondary school; playground; child care center; library; public park; public transit center; church; game arcade; amusement; recreation center or facility; residential treatment facility; or juvenile group home.

- B. No Delivery Services: No person, business, or entity may operate a marijuana delivery service in the city of Long Beach.
- C. No Nonconforming Status: Notwithstanding the provisions of chapter 16, "Nonconforming Uses And Structures", of this title, an existing marijuana use that is not validly licensed or registered with the WSLCB shall immediately cease operations and seek legal status via the applicable WSLCB licensing or registration process.
- F. Operating Standards: The following restrictions apply to city-licensed marijuana uses' operation, including growing, producing, processing, storing, displaying, and/or selling marijuana and any other aspect of the marijuana use licensed by the city:
 - 1. Odor: The operation shall not subject occupants of neighboring parcels who are of normal sensitivity to objectionable odors.
 - 2. Lighting: All lights used shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
 - 3. Noise: Operational noise shall not exceed the noise disturbance standards as set forth in title 5, chapter 5, "Noise Control," of this code. Any noise/vibration disturbance shall be abated, whether caused by loud noise or by low frequency disturbance.
 - 4. Visibility: Marijuana plants, products, or related paraphernalia shall not be visible from the public right of way, publicly-traveled private roads, a public place, or a neighbor's parcel.

5. Signage:

- a. For marijuana businesses, advertising signage must comply with requirements of WAC 314-55-155, as may be amended, and may not exceed 11.11 square feet in area. Mandatory cautionary signage must comply with requirements of WAC 314-55-086, as may be amended.
- b. For cooperatives, there shall be no exterior signage or symbology relating to the cooperative or to marijuana.
- 6. Compliance with City Codes: The location, including the property and any structures, of a city-licensed marijuana use shall be in compliance with the applicable provisions of the currently adopted edition of the Washington state building code and all other applicable building-related uniform codes.
- 7. Nuisance: The operation of the city-licensed marijuana use shall not adversely affect the health or safety of the nearby residents or others by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other adverse impacts and shall not be hazardous due to use or storage of materials, processes, products, or waste.

- 2. Failure to correct the identified violations or to cease operation is designated as a civil infraction and may be enforced as such, although this designation shall not be construed to limit any other enforcement mechanism.
- 3. A licensee may, within seven (7) days from the date that the license suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal setting forth the grounds therefor with the city clerk. The city clerk shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the hearings examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the suspension or revocation and may impose any terms upon the continuance of the license. The decision of the hearings examiner shall be final. The licensee and/or the city may seek review of the decision by the superior court of Washington in and for Pacific County within thirty (30) days from the date of the decision. The suspension or revocation shall remain in effect during any appeal process.
- B. Improper Use of Land: It is a violation of this chapter for any person or entity owning, leasing, occupying, or having charge or possession of any parcel of land within any incorporated area of the city of Long Beach to cause or allow such parcel of land to be used for marijuana-related purposes in excess of the limitations of or in noncompliance with the requirements and standards set forth herein. Such violations are designated as civil infractions and may be enforced as such, although this designation shall not be construed to limit any other enforcement mechanism.
- C. Nuisance: Nothing in this chapter shall be construed as a limitation on the city's authority to abate any nuisance violation that may exist from the otherwise legal production, processing, or retailing of recreational marijuana on any parcel, including from within a fully enclosed and secure building. In addition, all violations of this chapter are deemed to be a public nuisance and may be abated by the city under the procedures set forth in title 5, chapter 2, "Public Nuisances," of this code or in state law for the abatement of public nuisances.
- D. Enforcement: Any violation(s) of this chapter or of state law may be enforced as set forth in title 14, "Enforcement Procedures," of this code. In addition, a violation of this chapter or of state law may be enforced as a civil infraction where applicable or, where the violation is also a violation of chapters 69.50 and 69.51A RCW or related regulations, prosecuted as set forth in title 6, chapter 5, "Criminal Code, Miscellaneous Offenses," of this code. Nothing in this chapter shall be construed as a limitation on the city's authority to enforce any other violations of the city code.

TAB - B

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CITY COUNCIL WORKSHOP BILL

WS 16-20

Meeting Date: September 19, 2016

SUBJECT: Non-		Originator:				
	Mayor					
conforming signs –	City Council					
Ordinance 814	City Administrator					
	City Attorney					
	City Clerk					
	City Engineer					
	Community Development Director	AS				
	Events Coordinator					
	Fire Chief					
	Police Chief					
	Streets/Parks/Drainage Supervisor					
COST: N/A	Water/Wastewater Supervisor					

SUMMARY STATEMENT: In 2006 Ordinance 814 was passed giving merchants a sunset date of December 31, 2015 to correct all non-conforming signs. This date has passed and city staff is diligently working on the sign inventory notifying merchants of non-conforming signs.

- (3) Notice that the sign must be removed or made conforming not later than December 31, 2015.
- (4) If the identity of the sign owner cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

C. Nonconforming Sign Permits.

- (1) Eligibility. An on-premises or off-premises nonconforming sign may be issued a nonconforming sign permit. Nonconforming sign permits shall not be issued for illegal, prohibited, or temporary signs.
- (2) Permit Required. A nonconforming sign permit is required for all eligible nonconforming signs in the OT, OTW, C1 and C2 zones. The sign owner shall obtain the permit within 180 days of notification by the city. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located, and such other pertinent information as the Administrator may require to ensure compliance with this chapter. The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application.
- (3) Permit Issuance. Any person submitting an application for a nonconforming sign permit shall use the forms provided by the City. The Administrator shall issue nonconforming sign permits upon a determination of eligibility. The Administrator may require the filing of plans or other pertinent information where such information is necessary to determine compliance with this chapter. Appeals shall be filed in accordance with this chapter. Should an appeal be filed, the City shall not take any action until the appeal has been acted upon and the applicant notified of the final disposition.
- (4) Permit Expiration. The nonconforming sign permit shall expire on December 31, 2015.
- D. Loss of Legal Nonconforming Status. Nonconforming signs shall either be removed or immediately brought into compliance with this chapter upon the occurrence of one or more of the following events:
 - (1) When a nonconforming sign permit is required but not obtained within 180 days of notice of nonconformance; or
 - (2) Damage of fifty (50) percent or more in the replacement cost of either the nonconforming sign or the structure to which it is affixed; or
 - (3) Failure to maintain the sign in good repair, to include regular painting and rust removal.
- E. Maintenance. Ordinary maintenance and repair of a sign, including a sign face or message change that does not increase the sign face area, shall be permitted without loss of nonconforming status if the cost of the maintenance or repair is less than fifty (50) percent of the cost of replacing the sign.

12-14-12: NONCONFORMING SIGNS:

- A. Signs Allowed Subject To Limitations: Any sign legally existing on the effective date hereof that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a legal nonconforming use or structure and may continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:
 - 1. No sign shall be structurally altered unless it is made to conform to this chapter.
 - 2. No billboard or temporary sign shall be considered to be a legal nonconforming sign.
 - 3. Property owners with multiple nonconforming signs may replace some or all of the nonconforming signs, provided all other requirements of this regulation are met.
 - 4. WSDOT and way finding signs shall not count against the limit on off premises signage.
- B. Nonconforming Sign Inventory: The administrator shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable effort to so notify in writing the sign owner and, where practicable, the owner of the property on which the sign is located. Notification shall include:
 - 1. Whether the sign is nonconforming or illegal.
 - 2. Whether the sign may be eligible for a nonconforming sign permit.
 - 3. Notice that the sign must be removed or made conforming not later than December 31, 2015.
 - 4. If the identity of the sign owner cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

C. Nonconforming Sign Permits:

- 1. Eligibility: An on premises or off premises nonconforming sign may be issued a nonconforming sign permit. Nonconforming sign permits shall not be issued for illegal, prohibited, or temporary signs.
- 2. Permit Required: A nonconforming sign permit is required for all eligible nonconforming signs. The sign owner shall obtain the permit within one hundred eighty (180) days of notification by the city. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located, and such other pertinent information as the administrator may require to ensure compliance with this chapter. The administrator may waive specific submittal requirements determined to be unnecessary for review of an application.

- 3. Permit Issuance: Any person submitting an application for a nonconforming sign permit shall use the forms provided by the city. The administrator shall issue nonconforming sign permits upon a determination of eligibility. The administrator may require the filing of plans or other pertinent information where such information is necessary to determine compliance with this chapter. Appeals shall be filed in accordance with this chapter. Should an appeal be filed, the city shall not take any action until the appeal has been acted upon and the applicant notified of the final disposition.
- 4. Permit Expiration: The nonconforming sign permit shall expire on December 31, 2015.
- D. Loss Of Legal Nonconforming Status: Nonconforming signs shall either be removed or immediately brought into compliance with this chapter upon the occurrence of one or more of the following events:
 - 1. When a nonconforming sign permit is required but not obtained within one hundred eighty (180) days of notice of nonconformance; or
 - 2. Damage of fifty percent (50%) or more in the replacement cost of either the nonconforming sign or the structure to which it is affixed; or
 - 3. Failure to maintain the sign in good repair, to include regular painting and rust removal.
- E. Maintenance: Ordinary maintenance and repair of a sign, including a sign face or message change that does not increase the sign face area, shall be permitted without loss of nonconforming status if the cost of the maintenance or repair is less than fifty percent (50%) of the cost of replacing the sign. (Ord. 849, 8-17-2009)

TAB - C

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LONG BEACH CITY COUNCIL MEETING

September 6, 2016

6:30 p.m.; COUNCIL WORKSHOP

WS 16-17

Dune to Pond Trail

WS 16-18

Marijuana Legislation

CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Phillips called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance and roll call.

ROLL CALL

David Glasson, City Administrator, called roll with C. Linhart, C. Murry, C. Caldwell, C. Hanson, and C. Kemmer all absent.

PUBLIC COMMENT

No comments.

CONSENT AGENDA

Minutes, August 15, 2016 City Council Meeting

Payment Approval List for Warrant Registers 56511-56551 & 80333-80428 for \$308,331.59

AB 16-46 Building Inspection Services Interlocal Agreement update

Ariel Smith, Community Development Director, presented the Agenda Bill. This Agreement is an updated version of the current interlocal, it recognizes the appropriate updates to mandatory building code references. It is recommended that the council approve the interlocal agreement.

AB 16-48 RCO Grant Amendment for Stanley Field

Ariel Smith, Community Development Director, presented the Agenda Bill. The Stanley Field project expanded during construction, therefore the city went back to the funder (RCO) and asked for a 10% cost increase. They have approved the request and are awaiting a response from the city. It is recommended that the council accept the additional funds and execute the agreement.

C. Linhart made the motion to approve the Consent Agenda. C. Hanson seconded the motion. 5 Ayes, 0 Nayes, motion passed.

BUSINESS

AB 16-47 Final Plat Approval for Phase 2 of Discovery Point

Ariel Smith, Community Development Director, presented the Agenda Bill. Anatoliy Gurnik dba Discovery Development, received approval for a preliminary plat of 6 lots on May 6, 2013. The applicant is asking that a 4-lot Phase 2 final plat be approved. If the final plat meets the conditions set forth in the approval of the preliminary plat as well as several statutory requirements, the Council's approval of the

final plat is ministerial. Staff has reviewed the plat, site conditions, the conditions of the prior approval, and the statutory requirements and finds that the final plat meets all requirements. It is recommended that the Council approve the Phase 2 Final Plat for Discovery Point. C. Hanson made the motion to approve the Phase 2 Final Plat for Discovery Point. C. Linhart seconded the motion. 5 Ayes, 0 Nayes, motion passed.

Mayoral Proclamation-Operation Shore Patrol

The mayor acknowledges the Pacific Northwest 4 Wheel Drive Association, Region 3 for their volunteer efforts in hosting a beach clean-up effort known as "Operation Shore Patrol" on the Long Beach Peninsula. This is the 44th year of Operation Shore Patrol. The event will take place 9/17th & 18th/2016 on the Long Beach Peninsula from Benson Beach to the tip of the peninsula at the Willapa Wildlife Refuge area. In appreciation, be it resolved by the City of Long Beach: that the Pacific Northwest 4 Wheel Drive Association is a welcomed member of our Community, Now and in the Future.

DEPARTMENT HEAD ORAL REPORTS

CORRESPONDENCE AND WRITTEN REPORTS

- Sales and Lodging Tax report thru August 2016
- Correspondence- Comments from locals and guests
- Correspondence- Port of Peninsula CT 4000 Vehicle Charging Information

ADJOURNMENT

The Mayor adjourned the meeting at 7:11 p.m.

	Mayor	
ATTEST:		
City Clerk		



Warrant Register

Check Periods, 2016 - September - First

FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM. I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN

Council Member
Binion, Jacob Booi, Kristopher, Campbell, Mathia Cox, Mallory F
Daulton, Alan T Gilbertson, Brac Goulter, John R
Gray, Karen Hanson, Natalie Huff, Timothy M Kaino, Kris
Linhart, Steven Fuether, Paul Juethe, Paul Juliller, Matt Wortenson, Tim
Padgett, Timoth Phillips, Gerald Quittner, Jonath Russum, Richal
Simonson, Angela B Stewart, Joe L Warner, Ralph D. Williams, David L Wood, Matthew T Wright, Flint R Zuern, Donald D.

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		56581	<u>56582</u>	56583	56584	56585	56586	56587	56588	56589	2000	08080	1,6000	56592	56593	80429	80430	80431	80432	80433	80434	80435	80436	00433	80437 80438	00430	80439	80440	80441	80442	80443	80444	80445	80446	80447	80448	80449	80450	80451	80452	80453	80454	80455		<u>80456</u>	80457	80458	80459 00460	00400

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TAB - D

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CITY COUNCIL AGENDA BILL

AB 16-49

Meeting Date: September 19, 2016

AG	ENDA ITEM INFORMATION	
SUBJECT: Stanley Field		Originator:
Bond Ordinance 929	Mayor	
Bond Ordinance 929	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Events Coordinator	
	Finance Director	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N/A	Water/Wastewater Supervisor	
		6

SUMMARY STATEMENT: This is the bond issue to help complete Stanley field that was discussed with council. The bond is for \$120,000 payable over 7 years with a total interest payment of \$16,361.44

RECOMMENDED ACTION: Adopt Ordinance 929

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CITY OF LONG BEACH, WASHINGTON

ORDINANCE NO. 929

AN ORDINANCE of the City of Long Beach, Washington, relating to contracting indebtedness; providing for the issuance, sale and delivery of an \$120,000 aggregate principal amount of limited tax general obligation bond to provide funds to finance the Stanley Park upgrades and to pay the costs of issuance and sale of the bond; fixing certain terms and covenants of the bond; and providing for other related matters.

THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DO ORDAIN AS FOLLOWS:

- <u>Section 1</u>. <u>Definitions</u>. As used in this ordinance, the following capitalized terms shall have the following meanings:
 - (a) "Bank" means Bank of the Pacific, or its successors or assigns.
- (b) "Bond" means the \$120,000 aggregate principal amount City of Long Beach, Washington Limited Tax General Obligation Bond, 2016, issued pursuant to and for the purposes provided in this ordinance.
- (c) "Bond Counsel" means the firm of Foster Pepper PLLC, its successor, or any other attorney or firm of attorneys selected by the City with a nationally recognized standing as bond counsel in the field of municipal finance.
- (d) "Bond Fund" means the Limited Tax General Obligation Bond Fund, 2016, of the City created for the payment of the principal of and interest on the Bond.
- (e) "Bond Register" means the books or records maintained by the Bond Registrar for the purpose of identifying ownership of the Bond.
- (f) "Bond Registrar" means the City's Clerk/Treasurer, or any successor bond registrar selected by the City.
- (g) "City" means the City of Long Beach, Washington, a municipal corporation duly organized and existing under the laws of the State.
- (h) "City Council" means the legislative authority of the City, as duly and regularly constituted from time to time.
- (i) "Code" means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.
- (j) "Issue Date" means, with respect to the Bond, the date of initial issuance and delivery of the Bond to the Bank in exchange for the purchase price of the Bond.

- (k) "Project" means the Stanley Park upgrades, and other capital purposes, as deemed necessary and advisable by the City. Incidental costs incurred in connection with carrying out and accomplishing the Project, consistent with RCW 39.46.070, may be included as costs of the Project.
- (l) "Project Fund" means the fund or account designated or created by the City for the purpose of carrying out the Project.
 - (m) "State" means the State of Washington.
- <u>Section 2</u>. <u>Findings and Determinations</u>. The City takes note of the following facts and makes the following findings and determinations:
- (a) Authority and Description of Project. The City is in need of upgrades to Stanley Park and other capital improvements, if approved by the City Council. The City Council therefore finds that it is in the best interests of the City to carry out the Project.
- (b) *Plan of Financing*. Pursuant to applicable law, including without limitation chapters 35.37, 39.36, 39.44, 39.46 and 39.52 RCW, the City is authorized to issue general obligation bonds for the purpose of financing the Project. The total expected cost of the Project is approximately \$400,000, which is expected to be made up of proceeds of the Bond, grants and other available money of the City.
- (c) Debt Capacity. The amount of indebtedness authorized by this ordinance is \$120,000. Based on the following facts, this amount is to be issued within the amount permitted to be issued by the City for general municipal purposes without a vote:
 - (1) The assessed valuation of the taxable property within the City as ascertained by the last preceding assessment for City purposes for collection in the calendar year 2016 is \$256,678,583.
 - (2) As of September 30, 2016, the City will have limited tax general obligation indebtedness, consisting of bonds and loans outstanding in the principal amount of \$196,161, which is incurred within the limit of up to 1½% of the value of the taxable property within the City permitted for general municipal purposes without a vote.
 - (3) As of September 30, 2016, the City will have no unlimited tax general obligation indebtedness.
- (d) *The Bond*. For the purpose of providing the funds necessary to carry out the Project and to pay the costs of issuance and sale of the Bond, the City Council finds that it is in the best interests of the City and its taxpayers to issue and sell the Bond to the Bank, pursuant to the terms set forth in the Bank's proposal and this ordinance.
- Section 3. Authorization of the Bond. The City is authorized to borrow money on the credit of the City and issue a negotiable limited tax general obligation bond evidencing indebtedness in the aggregate principal amount of \$120,000 to provide funds necessary to carry

out the Project and to pay the costs of issuance and sale of the Bond. The proceeds of the Bond allocated to paying the cost of the Project shall be deposited as set forth in Section 8 of this ordinance and shall be used to carry out the Project, or a portion of the Project, in such order of time as the City determines is advisable and practicable.

Section 4. Description of the Bond. The Bond shall be called the City of Long Beach, Washington, Limited Tax General Obligation Bond, 2016, and shall be issued in the aggregate principal amount of \$120,000. The Bond shall be dated the Issue Date; shall be numbered separately in the manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification. The Bond shall mature on September 30, 2023 and shall bear interest at the rate of 3.50% per annum (computed on the basis of a 360-day year of 12-30 day months), payable semiannually as set forth in Exhibit A, which is attached to this ordinance and incorporated by this reference.

Section 5. Bond Registrar; Registration and Transfer of the Bond. Pursuant to RCW 39.46.030(4) the City's Clerk/Treasurer shall serve as initial fiscal agent for the City (the "Bond Registrar") with respect to the Bond and is authorized, on behalf of the City, to authenticate and deliver the Bond in accordance with the provisions of the Bond and this ordinance. The Bond shall be issued only in registered form as to both principal and interest and shall be recorded on books or records maintained by the Bond Registrar (the "Bond Register"). The Bond Register shall contain the name and mailing address of the owner of the Bond.

Upon a determination by the Clerk/Treasurer that maintenance of the duties of the Bond Registrar is no longer convenient, the fiscal agent of the State of Washington shall act as Bond Registrar.

The Bond Registrar shall keep, or cause to be kept, at its office, sufficient books for the registration, assignment or transfer of the Bond, which books shall be open to inspection by the City at all times. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bond transferred or exchanged in accordance with the provisions of the Bond and this ordinance, to serve as the City's paying agent for the Bond and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Bond Registrar's Certificate of Authentication on the Bond.

The Bond may be assigned or transferred only in whole by the registered owner to a single investor that is a financial institution or a person who is reasonably believed to be a qualified institutional buyer or accredited investor within the meaning of the applicable federal securities laws. Any transfer shall be without cost to the owner or transferee, except for governmental charges imposed on any such transfer or exchange. The Bond Registrar shall not be obligated to exchange or transfer the Bond during the 15 days preceding any installment or prepayment date. When the Bond has been paid in full, both principal and interest, the Bond shall be surrendered to the Bond Registrar, who shall cancel the Bond.

Section 6. Form and Execution of the Bond.

- (a) Form of the Bond; Signatures and Seal. The Bond shall be prepared in a form consistent with the provisions of this ordinance and State law. The Bond shall be signed by the Mayor and the Clerk/Treasurer, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon. If any officer whose manual or facsimile signature appears on the Bond ceases to be an officer of the City authorized to sign bonds before the Bond bearing his or her manual or facsimile signature is authenticated by the Bond Registrar, or issued or delivered by the City, the Bond nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. The Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on its Issue Date.
- (b) Authentication. Only the Bond bearing a Certificate of Authentication in substantially the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance: "Certificate of Authentication. This Bond is the fully registered City of Long Beach, Washington, Limited Tax General Obligation Bond, 2016, described in the Bond Ordinance." The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.
- Section 7. Payment of the Bond. Both principal of and interest on the Bond shall be payable in lawful money of the United States of America and shall be paid by electronic transfer, unless payment by check or draft of the Bond Registrar is permitted by the Bank, and sent to the Bank so that the Bank receives said payments when due at the address appearing on the Bond Register. Upon receipt of the final installment payment of principal of and interest on the Bond, whether at maturity or upon prepayment, the Bank shall present and surrender the Bond to the Bond Registrar to be destroyed or cancelled in accordance with law. The City and the Bond Registrar may deem and treat the Bank of the Bond as the absolute owner of the Bond for the purpose of receiving payment of principal and interest and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary other than proper notice of assignment or transfer.

Section 8. Funds and Accounts; Deposit of Proceeds.

(a) Bond Fund. The Bond Fund is created as a special fund of the City for the sole purpose of paying principal of and interest on the Bond. Bond proceeds in excess of the amounts needed to pay the costs of the Project and the costs of issuance, if any, shall be deposited into the Bond Fund. All amounts allocated to the payment of the principal of and interest on the Bond shall be deposited in the Bond Fund as necessary for the timely payment of amounts due with respect to the Bond. The principal of and interest on the Bond shall be paid out of the Bond Fund. Until needed for that purpose, the City may invest money in the Bond Fund temporarily in any legal investment, and the investment earnings shall be retained in the Bond Fund and used for the purposes of that fund.

- (b) Project Fund. The Project Fund is created as a fund of the City for the purpose of paying the costs of the Project. Proceeds received from the sale and delivery of the Bond shall be deposited into the Project Fund and used to pay the costs of the Project and costs of issuance of the Bond. Until needed to pay such costs, the City may invest those proceeds temporarily in any legal investment, and the investment earnings shall be retained in the Project Fund and used for the purposes of that fund, except that earnings subject to a federal tax or rebate requirement (if applicable) may be withdrawn from the Project Fund and used for those tax or rebate purposes.
- Section 9. Prepayment. The City reserves the right and option to prepay and redeem at any time prior to its stated maturity date any or all of the principal amount of the Bond outstanding, without penalty, at par plus accrued interest to the date of prepayment. The City shall provide the Bank with written notice of any intended prepayment prior to such prepayment date. Interest on the principal amount of the Bond called for prepayment shall cease to accrue on the date fixed for prepayment unless the principal amount called for prepayment is not paid on the prepayment date.
- Section 10. Failure to Pay Installments; No Acceleration. If any payment of the Bond is not paid when due, the City shall be obligated to pay interest on that installment at the same rate provided in the Bond until that payment is paid in full or until sufficient money for its payment in full is on deposit in the Bond Fund (as hereinafter created and defined) and the principal represented by such installment has been called for payment by giving notice of that call to the Bank. The Bond is not subject to acceleration upon the occurrence of a payment default.
- Section 11. Pledge of Taxes. The Bond constitutes a general indebtedness of the City and is payable from tax revenues of the City and such other money as is lawfully available, including any business and occupation taxes, and pledged by the City for the payment of principal of and interest on the Bond. For as long as the Bond is outstanding, the City irrevocably pledges that it shall, in the manner provided by law within the constitutional and statutory limitations provided by law without the assent of the voters, include in its annual property tax levy amounts sufficient, together with other money that is lawfully available, to pay principal of and interest on the Bond as the same become due. The full faith, credit and resources of the City are pledged irrevocably for the prompt payment of the principal of and interest on the Bond and such pledge shall be enforceable in mandamus against the City.

Section 12. Tax Covenants; Designation of the Bond as a "Qualified Tax Exempt Obligation.".

(a) Preservation of Tax Exemption for Interest on the Bond. The City covenants that it will take all actions necessary to prevent interest on the Bond from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Bond or other funds of the City treated as proceeds of the Bond that will cause interest on the Bond to be included in gross income for federal income tax purposes. The City also covenants that it will, to the extent the arbitrage rebate requirements of Section 148 of the Code are applicable to the Bond, take all actions necessary to comply (or to be treated as having complied) with those requirements in connection with the Bond.

- (b) Post-Issuance Compliance. The City Administrator or Clerk/Treasurer are authorized and directed to review and update the City's written procedures to facilitate compliance by the City with the covenants in this ordinance and the applicable requirements of the Code that must be satisfied after the Issue Date to prevent interest on the Bond from being included in gross income for federal tax purposes.
- (c) Designation of the Bond as a "Qualified Tax-Exempt Obligation." The City designates the Bond as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) of the Code, and makes the following findings and determinations:
 - (1) the Bond does not constitute a "private activity bond" within the meaning of Section 141 of the Code;
 - (2) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) that the City and any entity subordinate to the City (including any entity that the City controls, that derives its authority to issue tax-exempt obligations from the City, or that issues tax-exempt obligations on behalf of the City) will issue during the calendar year in which the Bond is issued will not exceed \$10,000,000; and
 - (3) the amount of tax-exempt obligations, including the Bond, designated by the City as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code during the calendar year in which the Bond is issued does not exceed \$10,000,000.

Section 13. Sale and Delivery of the Bond.

- (a) Approval of Bank Proposal. The Bank has presented a proposal (the "Proposal") to the City offering to purchase the Bond under the terms and conditions provided therein at the fee of \$1,200. The City Council finds that the Proposal is in the City's best interest and has heretofore accepted the offer contained therein.
- (b) Preparation, Execution and Delivery of the Bond. The Bond will be prepared at City expense and will be delivered to the Bank in accordance with the Proposal and this ordinance, together with the approving legal opinion of Bond Counsel regarding the Bond.
- <u>Section 14</u>. <u>Reporting Requirements</u>. With respect to the Bond, the City is exempt from the official statement and ongoing disclosure requirements of the Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934.

The City hereby covenants and agrees for as long as the Bond remains outstanding, it will provide (a) annually to the Bank copies of its unaudited annual financial report, and its audited annual financial report both within a reasonable amount of time, not to exceed 120 days from receipt; and (b) each annual budget of the City as they become available, and such other information as the Bank may reasonably request from time to time.

<u>Section 15.</u> <u>Supplemental and Amendatory Ordinances.</u> The City may supplement or amend this ordinance for any one or more of the following purposes without the consent of any Bank:

- (a) To add covenants and agreements that do not materially adversely affect the interests of Bank, or to surrender any right or power reserved to or conferred upon the City.
- (b) To cure any ambiguities, or to cure, correct or supplement any defective provision contained in this ordinance in a manner that does not materially adversely affect the interest of the Bank.

Section 16. General Authorization and Ratification. The Mayor, City Administrator, Clerk/Treasurer and other appropriate officers of the City are severally authorized to take such actions and to execute such documents as in their judgment may be necessary or desirable to carry out the transactions contemplated in connection with this ordinance, and to do everything necessary for the prompt delivery of the Bond to the Bank and for the proper application, use and investment of the proceeds of the Bond. All actions taken prior to the effective date of this ordinance in furtherance of the purposes described in this ordinance and not inconsistent with the terms of this ordinance are ratified and confirmed in all respects.

Section 17. Severability. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

<u>Section 18</u>. <u>Effective Date of Ordinance</u>. This ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Long Beach, Washington, at an open public meeting thereof, this 19th day of September, 2016.

	Mayor
ATTEST:	
City Clerk	_

Bond Counsel	W. W		
i Counsei			

-8-

EXHIBIT A
PAYMENT SCHEDULE

Payment Date	Principal Payable	Interest Payable	Total
03/30/2017	\$ 7,638.68	\$ 2,099.99	\$ 9,738.67
09/30/2017	7,772.34	1,966.33	9,738.67
03/30/2018	7,908.36	1,830.31	9,738.67
09/30/2018	8,046.76	1,691.91	9,738.67
03/30/2019	8,187.58	1,551.09	9,738.67
09/30/2019	8,330.86	1,407.81	9,738.67
03/30/2020	8,476.65	1,262.02	9,738.67
09/30/2020	8,624.99	1,113.68	9,738.67
03/30/2021	8,775.93	962.74	9,738.67
09/30/2021	8,929.51	809.16	9,738.67
03/30/2022	9,085.77	652.90	9,738.67
09/30/2022	9,244.78	493.89	9,738.67
03/30/2023	9,406.56	332.11	9,738.67
09/30/2023	9,571.23	167.50	9,738.73
	\$ 120,000.00	\$ 16,361.44	\$ 136,341.44

CERTIFICATION

- I, the undersigned, City Clerk/Treasurer of the City of Long Beach, Washington (the "City"), hereby certify as follows:
- 1. The attached copy of Ordinance No. 929 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on September 19, 2016, as that ordinance appears on the minute book of the City.
- 2. The Ordinance will be in full force and effect five days after publication in the City's official newspaper, which publication date is expected to be September 21, 2016.
- 3. A quorum of the members of the City Council was present throughout the meeting and a majority of the members voted in the proper manner for the passage of the Ordinance.

Dated: September, 2016.	
	CITY OF LONG BEACH, WASHINGTON
	City Clerk/Treasurer

TAB-E

Long Beach Police

P.O. Box 795 Long Beach, WA 98631 lbpdchief@centurytel.net

Phone 360-642-2911 Fax 360-642-5273

09-01-16

Page 1 of 2

To: Mayor Phillips and Long Beach City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for August 2016

During the month of August the Long Beach Police Department handled the following cases and calls:

Long Beach	Ilwaco
1002 Total Incidents	552 Total Incidents
Aid Call Assists: 3	Aid Call Assists: 2
Alarms: 6	Alarms: 5
Animal Complaints: 23	Animal Complaints: 2
Assaults: 4	Assaults: 2
Assists: 142	Assists: 68
(Includes 19 Law Enforcement Age	ncy Assists Outside City Boundaries)
Burglaries: 1	Burglaries: 1
Disturbance: 31	Disturbance: 9
Drug Inv.: 13	Drug Inv.: 0
Fire Call Assists: 4	Fire Call Assists: 0
Follow Up: 228	Follow Up: 115
Found/Lost Property: 34	Found/Lost Property: 6
Harassment: 7	Harassment: 0
Malicious Mischief: 3	Malicious Mischief: 3
MIP – Alcohol: 0	MIP – Alcohol: 0
MIP – Tobacco: 0	MIP – Tobacco: 0
Missing/Found Persons: 3	Missing/Found Persons: 0
Prowler: 2	Prowler: 1
Runaway: 0	Runaway: 2
Security Checks: 211	Security Checks: 217
Suspicious: 28	Suspicious: 15
Thefts: 19	Thefts: 5
Traffic Accidents: 12	Traffic Accidents: 0
Traffic Complaints: 19	Traffic Complaints: 4
Traffic Tickets: 43	Traffic Tickets: 13
Traffic Warnings: 118	Traffic Warnings: 67
Trespass: 27	Trespass: 8
Warrant Contacts: 10	Warrant Contacts: 4
Welfare Checks: 11	Welfare Checks: 3

Monthly Report Continued:

Page 2 of 2

On August 3rd I, along with other WellSpring members, met with Sergeant Marvin Madtson with the Washington State Liquor and Cannabis Board and the owner of the marijuana retail shop that is going to be opening in Ilwaco. We discussed concerns about advertising and security.

On the 5th the department provided traffic control for the Junior Rodeo Parade.

On the 6^{th} the department provided traffic control for the parade associated with the Jake the Alligator Man Birthday event.

From August $8^{th} - 13^{th}$ I taught my annual Hunter Education Firearms Safety Course. I only had 8 students in the class this year which is one of the smallest classes I've ever taught.

On the 18th I met with Washington State Parks, Washington State Patrol and the Pacific County Sheriff's Department. We met to discuss this past July 4th holiday and how we felt that it went. There was no doubt that events on the beach were greatly improved from past years. We all believe that the key to the success and the key to future success is involvement from the State Parks. Just for information there were 26 citations issued for illegal camping over the weekend.

Officer Casey Meling attended training August 15th – 19th. The title of the course was "First Level Supervision". Some of the topics covered included coaching and mentoring employees, identifying and managing department resources, evaluating employee performance and managing critical incidences.

Kite Festival Week, August $15^{th} - 21^{st}$, was busy. We had a lot of calls but they did not have a thing to do with the festival itself. That festival is very easy to police.

I had a meeting with the other law enforcement officials on the 23rd. We met to plan for Rod Run weekend.

Flint R. Wright
Chief of Police



STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 30, 2016

The Honorable Jerry Phillips Mayor of Long Beach PO Box 310 Long Beach, WA 98631

Dear Mayor Phillips:

Congratulations! The Long Beach Wastewater Treatment Plant is receiving the 2015 "Wastewater Treatment Plant Outstanding Performance" award. Of approximately 300 wastewater treatment plants statewide, yours is one of 119 that achieved full compliance with its National Pollutant Discharge Elimination System (NPDES) permit in 2015.

My staff evaluated wastewater treatment plants in Washington for compliance with the effluent limits, monitoring and reporting requirements, spill prevention planning, pretreatment, and overall operational demands of the NPDES permit.

It takes diligent operators and a strong management team, working effectively together, to achieve this high level of compliance. It is not easy to operate a wastewater treatment plant 24 hours a day, 365 days a year, without violations. The Washington State Department of Ecology (Ecology) appreciates the extraordinary level of effort your plant operators demonstrated throughout 2015. Talented and proficient operators are critical to successful plant operations and protecting the health of Washington's waters. This is the second consecutive year the Long Beach Wastewater Treatment Plant received this award. Your excellent record is a credit to the dedicated operators who are responsible for operating this award-winning plant.

Ecology will issue a news release recognizing the 2015 award recipients including the Long Beach Wastewater Treatment Plant.

Please call Pat Bailey at (360) 407-6281 if you have any questions or comments about your award.

Thank you for the excellent service you provide. Congratulations!

Sincerely,

Heather R. Bartlett

Water Quality Program Manager



STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000 711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 30, 2016

Robert Andrew City of Long Beach PO Box 310 Long Beach, WA 98631-0310

Subject: Reminder of Monthly Monitoring of Total and Dissolved Arsenic

Permit Number: WAG641019

Dear Robert Andrew:

Your Water Treatment Plant General Permit requires you to monitor for total and dissolved arsenic in your discharge at least once monthly from September 2016 through August 2017.

See Conditions S-5.2 and S-5.3 in your permit for more information about sampling and analysis methods, required quantitation levels, and laboratory accreditation. Failure to report results for total and dissolved arsenic is a permit violation.

From your permit:

"Monitoring for total and dissolved arsenic is required for only the 12 monitoring periods of the third year of this permit term, i.e., from September 2016 through August 2017 for existing and covered Permittees, or for the first 12 months of coverage for new Permittees whose coverage begins after September 2016.

"Based on the results of arsenic monitoring, Ecology may modify this permit by extending the term when monitoring for arsenic is required; adding one or more effluent limits for arsenic or other parameters; adding monitoring requirements for other parameters; adding monitoring requirements for other environmental matrices, such as raw water sources and receiving waters; or changing the activities, discharges, and facilities that require this permit or are excluded from coverage under this permit."

LBPVB -Monthly Destination Marketing Report August 2016

Web Traffic: Visits -52,086 Unique Visitors – 38,872. 67.4% new visitors. Total hits – 146,776 New blogs – 5 Member referrals in Aug. – 19,752

Social Media:

Facebook: * 10,245 likes as of 9-1-16. Increase of 241 in Aug. 1,876 new (organic) followers added in 2016. Followers have tripled since spring of 2012.

Top posts in Aug.:

- 1. "Come for the kites, stay for the clams ..." (18,718 reached)
- 2. Honda One-Tank video (18,592 reached)
- 3. "A very rare visitor found its way ..." (17,132 reached)
- 4. "Whales are being seen in the Columbia River ..." (11,761 reached)
- 5. "Need lodging for the Kite Festival ..." (10,193 reached, boosted)

Twitter: * 1026 followers as of 9-1-16 Total impression in Aug. 22,500

Instagram: * 700 followers as of 9-1-16

<u>Consumer Direct E-Newsletter</u> Aug enews delivered to 14,453 http://myemail.constantcontact.com/Fish--fun-and-family-on-Washington-s-Long-Beach-Peninsula.html?soid=1115090527827&aid=YnI2uT-oLaA Open rate of 21.4% Click-through rate of 11%

Public Relations

Press releases:

Ilwaco's Sensational Blues and Seafood Event Moves To Early Fall Time Slot https://funbeach.com/press/ilwacos-sensational-blues-and-seafood-event-moves-to-early-fall-time-slot/

Earned Media: KXRO and KXRO.com, The Daily News, tdn.com, The Columbian x 2, Postcards to Seattle.com, People.com, Capital Press, Tacoma News Tribune, Grant's Getaways, Sunset.com, Travel Writer Rants & Raves, tdn.com, Wahkiakum Eagle, The Seattle Times, MarriedtoAdventure.com, Courthouse News Service, Without an Umbrella, KPLU.org, Peninsula Daily News, Valley Bugler, Sally Lee's Beach Living, Washington State Parks, The Bend Bulletin, The Register-Guard, The Seattle Times, SeattleMet.com, Sunset Travel enews, The Seattle Times, Idaho Press – Tribune, The Oregonian, OregonLive, Portland Tribune, DMA West enews, Outdoors NW, Seattle Times, x2, Earth Touch News Network, Seattle Met Magazine and enews, Northwest Sportsman, High Country News, The Daily News and tdn.com x3, Northwest Event Planners Guide, Eventeasy.com, Sunset Magazine, Northwest Healthy Mama, Grind TV.com, Medium.com, The Daily News, Oregon Coast Magazine, Jrny.com, OnlyinOurState.com, The Columbian, Loriamay.com, CanoeKayak.com, KTIC, KION6, KATU, KOMO, The Daily World, Redbook Magazine.

Press Visits: Elizabeth Rose, Julia Loren, Heather Larson, Lori A. May, Bill Wagner, Judy & John Hallet, M.D. Johnson

<u>Visitors Center</u> – 4012 visitors in Aug. which is up about 12% over the month prior, but down about 18% from Aug. of 2015. Year to date slightly lower than 2015 at 19,417. This year is third highest ever ytd.

<u>Distribution</u> - over 15,214 pieces print collateral. Welcome packets for RV club.

Tourism Metrics

Lodging tax collections reported for unincorporated Pacific County through Aug. are up 9% over 2015. Collections reported for the month of Aug 2016 were up 14% over Aug. of 2015.

Lodging tax collections reported for the City of Long Beach through Aug. are up 4% over 2015. Lodging tax collections reported in Aug. for the City of Long Beach were 8% less than same month in 2015.

Sales taxes for City of Long Beach through Aug. are up 4% over 2015 and highest ytd ever.

City of Ilwaco lodging tax collections through Aug. are down 7% from 2015.

Research and Development: Presentation to Long Beach City Council on Aug. 1 with findings of sports marketing research project by intern Kelly Forsyth, WSU Grad-student. Itinerary planning and appointment scheduling for UK tour operator rep. familiarity tour.

<u>Membership:</u> Annual membership renewal began mid-August. Currently 308 members. New member drive began early Sept.

<u>Industry partnership/promotion/advocacy:</u> Washington Tourism Alliance board meeting, Washington State Parks 4th of July de-brief, Pacific County Fair Booth, hosted DMO Director from Visit Lewis Clark Valley, Tour of A Jetty project, meeting with 19th District Senator Dean Takko.